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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
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11 JOSEPH IZHAKPOR,

12 Plaintiff,

13 v.

14 THE BANK OF NEW YORK
15 MELLON f/n/a THE BANK OF NEW
16 YORK AS INDENTURED TRUSTEE
FOR CWHEQ REVOLVING HOME
EQUITY LOAN TRUST,

17 Defendant.
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Case No. 2:24-CV-07352-CV-JPR

ORDER RE DISMISSAL OF CASE


19 On March 19, 2025, the Court granted Defendant The Bank of New York
20 Mellon's ("Defendant") Motion to Dismiss Plaintiff Joseph Izhakpor's ("Plaintiff")
21 First Amended Complaint, with leave to amend and Plaintiff was given until March
22 31, 2025, to file a Second Amended Complaint. (Doc. # 26.) That order noted that
23 "a failure to timely file a Second Amended Complaint shall result in all claims being
24 dismissed for failure to prosecute and/or failure to comply with a Court order."
25 (Doc. # 26.) Plaintiff did not, and still has not, filed a Second Amended Complaint.
26 On April 7, 2025, the Court issued an Order to Show Cause Re: Dismissal for Lack
27 of Prosecution. (Doc. # 27.) Per that order, the Court indicated that failure to
28 respond to the OSC by April 14, 2025, would result in dismissal of the action. (Doc.

1 # 27). On May 14, 2025, Defendant filed a request to dismiss the case. Plaintiff has
2 not responded.

3 The Court may dismiss a case with prejudice for lack of prosecution and/or
4 failure to comply with the Court's Order. Fed. R. Civ. P. 41(b); *Link v. Wabash R.R.*
5 *Co.*, 370 U.S. 626, 629-30 (1962). Due to Plaintiff's failure to (1) file a timely
6 Second Amended Complaint and (2) file a response to the Court's OSC, IT IS
7 ORDERED THAT this action is hereby dismissed, with prejudice.

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9 **IT IS SO ORDERED.**

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11 Dated: 5/28/25


12 HON. CYNTHIA VALENZUELA
13 UNITED STATES DISTRICT JUDGE
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